

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	MB Docket No. 07-91
Third Periodic Review of the)	
Commission's Rules and Policies)	
Affecting the Conversion)	
To Digital Television)	

**JOINT REPLY COMMENTS OF
THE ASSOCIATION OF PUBLIC TELEVISION STATIONS
AND THE PUBLIC BROADCASTING SERVICE**

The Association of Public Television Stations ("APTS")¹ and the Public Broadcasting Service ("PBS")², (collectively referred to as "Public Television")

¹ APTS is a non-profit organization whose membership comprises the licensees of nearly all of the nation's CPB-qualified noncommercial educational television stations. The APTS mission is to support the continued growth and development of a strong and financially sound noncommercial television service for the American public.

² PBS is a media enterprise that serves 355 public noncommercial television stations and reaches nearly 73 million people each week through on-air and online content. Bringing diverse viewpoints to television and the Internet, PBS provides high-quality documentary and dramatic entertainment, and consistently dominates the most prestigious award competitions. PBS is a leading provider of digital learning content for pre-K-12 educators, and offers a broad array of other educational services. PBS' premier kids' TV programming and Web site, PBS KIDS Online (www.pbskids.org), continue to be parents' and teachers' most trusted learning environments for children. More information about PBS is available at www.pbs.org, one of the leading dot-org Web sites on the Internet.

hereby submit these reply comments regarding the Commission's *Notice of Proposed Rulemaking* ("NPRM") in the above-captioned proceeding.³

APTS and PBS have reviewed all of the comments filed in this proceeding, with particular attention to those 37 comments filed by licensees of public television stations. Though each station has its own unique circumstances, these comments overwhelmingly echo APTS' and PBS' call for the Commission to grant stations flexibility throughout the transition and not to add avoidable layers of complexity to an already complex process.

Numerous licensees—representing both stations that are changing channels for post-transition operations and those that are not—suggest that the New Table of Allotments Appendix B should be viewed as setting forth the *maximum* coverage contour for which a station may be licensed, not the *required* parameters for stations' post-transition facilities.⁴ For stations that are moving to a new channel

³ *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Notice of Proposed Rulemaking, MB Docket No. 07-91, FCC 07-70 (rel. May 18, 2007) ("NPRM").

⁴ *See, e.g.*, Comments of Central Michigan University, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 13, 2007) (discussing WCMU); Comments of Greater Dayton Public Television, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 14, 2007) (WPTD); Comments of the Iowa Public Broadcasting Board, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007) (KSIN); Comments of the Board of Governors of Missouri State University, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 14, 2007) (KOZJ); Comments of the St. Louis Regional Educational and Public Television Commission, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 13, 2007) (KETC); Comments of the

or returning to their analog channels, such a reading would ideally enable those stations that are not able to build out immediately to the specified parameters to still receive expedited processing of their construction permit applications. In the cases of those stations that are already licensed for their post-transition digital operations, such an interpretation would provide a flexible post-transition window for those stations to address with the FCC specific plans for conformance with the Appendix B parameters.

Many licensees recommend that the Commission not view February 17, 2009, as the required deadline for each station to have built its full, authorized post-transition digital facilities.⁵ At least one notes that such an interpretation would enable stations to make the transition most smoothly without compromising analog

Smoky Hills Public Television Corp., *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 13, 2007); Comments of Vermont ETV, Inc., *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007) (WETK, WVTB, WVTA); Comments of State of Wisconsin – Educational Communications Board, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 14, 2007) (WHLA, WHRM); Comments of WSKG Public Telecommunications Council, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007) (WSKA).

⁵ See, e.g., Comments of the University of Alaska, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007) (KUAC); Comments of Central Michigan University; Comments of Greater Dayton Public Television; Comments of the University of Michigan, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 14, 2007) (WFUM); Comments of the St. Louis Regional Educational and Public Television Commission.

service prior to the transition.⁶ On the other hand, numerous licensees mention the inevitability of early reduction or termination of analog service for a variety of reasons and ask the Commission for liberal permission to do so where it would aid a station's transition.⁷

Several licensees seek the ability to make early or late transitions to their final digital channels where doing so would not cause impermissible interference.⁸ An early transition might be extremely useful for those stations that will be forced by winter weather to convert their analog antennas to digital operations several

⁶ Comments of the University of North Carolina, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007) (WUNC, WUND, WUNE, WUNF, WUNG, WUNJ, WUNK, WUNL, WUNM, WUNP, WUNU).

⁷ See, e.g., Comments of Greater Dayton Public Television; Comments of the Hawaii Public Television Foundation, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007) (KHET and KMEB); Comments of KCTS Television, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 13, 2007); Comments of Northeastern Educational Television of Ohio, Inc., *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007) (referring to WNEO); Comments of the Oklahoma Educational Television Authority, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007) (KETA, KOED, KWTV); Comments of the Upper Cumberland Broadcast Council, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007) (WCTE).

⁸ See, e.g., Comments of the University of Alaska; Comments of the Hawaii Public Television Foundation (referencing KHET); Comments of the University of Houston System, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007) (KUHT); Comments of KCTS Television.

months before the hard date.⁹ A late transition could be essential for stations that are moving to channels that are currently occupied by other stations.¹⁰ Public television licensees make clear the need for an expeditious process for making changes to construction permits and licenses leading up to the transition,¹¹ as well as the need for a more forgiving standard for post-deadline extensions than the one the Commission has proposed.¹² Finally, licensees stress the need for speedy processing of applications from stations whose federal grants are contingent on

⁹ *See, e.g.*, Comments of Northeastern Educational Television of Ohio, Inc.

¹⁰ *See, e.g.*, Comments of Twin Cities Public Television, Inc., *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007) (KTCL).

¹¹ *See, e.g.*, Comments of the Nebraska Educational Television Commission and the University of Nebraska, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 14, 2007) (noting that stations are subject to state contract bidding requirements and successful bidder for antenna contract might specify an antenna with slightly different parameters than those specified in Appendix B).

¹² *See, e.g.*, Comments of the Arkansas Educational Television Commission, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007); Comments of the Georgia Public Telecommunications Commission, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 15, 2007); Comments of the School Board of Miami-Dade County, Florida, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 3, 2007).

their receipt of construction permits,¹³ and the need for the Commission to finalize coordination with Mexico and Canada as soon as possible.¹⁴

APTS and PBS have declined to comment on the Commission's proposal not to allow stations to apply for expanded facilities at this time and to consider the issue of expanded facilities after all stations have had an opportunity to apply for their facilities as specified in the new DTV Table Appendix B.¹⁵ However, we note that numerous public television licensees in their comments raise compelling reasons for the Commission to permit applications for expanded facilities before February 17, 2009. Several stations that are changing channels note that the Appendix B allotments specify facilities on their post-transition channels that are based on pre-transition digital facilities built with directional antennas, in many cases to protect existing analog stations. If those stations are required to operate according to those parameters, they will not be able to replicate their analog coverage and thus may fail to serve many of their current viewers.¹⁶ Licensees

¹³ *See, e.g.*, Comments of the University of Alaska; Comments of Central Michigan University; Comments of Greater Dayton Public Television; Comments of the Iowa Public Broadcasting Board.

¹⁴ *See, e.g.*, Comments of Central Michigan University; Comments of Greater Dayton Public Television; Comments of the University of Michigan.

¹⁵ *NPRM* ¶ 100.

¹⁶ *See, e.g.*, Comments of the University of Alaska; Comments of the Arkansas Educational Television Commission; Comments of the Hawaii Public Television Foundation; Comments of KCTS Television; Comments of the University of North Carolina; Comments of the Oklahoma Educational Television Authority; Comments of Tri-State Public Teleplex, Inc., *In re Third Periodic Review of the Commission's*

further comment that it is impractical and wasteful (an important consideration for noncommercial stations supported by government funds and viewer donations) for stations to have to build twice – first to the specifications allotted in Appendix B, and later to their desired expanded facilities.¹⁷ APTS and PBS urge the Commission to recognize these serious issues and consider whether there is a way to permit expansion applications while ensuring that those stations seeking to build facilities conforming to Appendix B are able to receive speedy processing of their applications.

The wealth of comments in this proceeding indicates that many parties stand ready to work with the Commission to ensure that the digital transition is successful. In light of this cooperative atmosphere, APTS and PBS request that the Commission adopt policies that preserve the abilities of individual broadcast stations to implement the transition in a manner that will ensure the success of each station's transition and continued service to the public.

Respectfully submitted,

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_____/s/
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Rules and Policies Affecting the Conversion to Digital Television, MB Docket No. 07-91 (Aug. 15, 2007) (WNIN); Comments of Twin Cities Public Television, Inc.
¹⁷ See, e.g., Comments of the Arkansas Educational Television Commission; Comments of the Iowa Public Broadcasting Board; Comments of KCTS Television; Comments of the South Carolina Educational Television Commission, *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91 (Aug. 13, 2007); Comments of Tri-State Public Teleplex, Inc.; Comments of the State of Wisconsin – Educational Communications Board.

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